

***United States Court of Appeals
for the Second Circuit***



APPENDIX

B
no
Review

74-2319

United States Court of Appeals
FOR THE SECOND CIRCUIT

Docket No. 74-2319

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

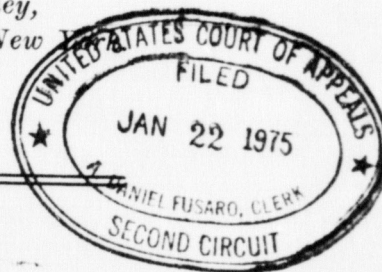
—v.—

THOMAS MATTEO, FRANK BREEN
and JOHN INDIVIGLIO,
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

GOVERNMENT'S APPENDIX

DAVID G. TRAGER,
United States Attorney,
Eastern District of New York





PAGINATION AS IN ORIGINAL COPY

TABLE OF CONTENTS

	page
Government exhibit number 47	A-1
Government exhibit number 52	A-2
Letter dated October 2, 1968	A-4
Letter dated December 16, 1968	A-5
Letter dated May 20, 1970	A-7
Letter dated September 11	A-10
Letter dated January 28, 1969	A-11
Letter dated March 15, 1969	A-12
Letter dated June 18, 1969	A-14

SCHENKER & CO GMBH
ZWEIGNIEDERLASSUNG BREMEN AIR MAIL



2800 BREMEN 1, P.O. B. 219
PHONE: 31 41 31 - TELEX: 02 44 393
CABLE: SCHENKRCO BREMEN

REGISTERED MAIL

Consignee:

11 Canton Street
East Hampton, N.Y. 11731/USA

Notify:

TB/L-FCR No.

Number of orig. TB/L-FCR

(Ocean) vessel:

Port of loading:

Port of discharge:

via:

Freight payable at:

Number of original Bs/L

Packages & Nos.:

Number and kind of packages; description of goods:

Gross weight kilos

Shipping date:

Sch 06 002
New York

2000 Automobile
Chevrolet New York 1968
used car

980

Approx. date
of arrival:
D. 5. 6.

Terms

- ☐ ex work
☐ fob
☐ c + f
☐ cif
☐

Insurance
is covered
— not —
by us

Frankfurt/Main 05 484 4012

BREMEN, June 11th, 1969

SHIPPING NOTICE

A 1

Our ref.:

06 461-1 002

Supplier:

Mrs. Edith Miller
6 Frankfurt/Main

Please contact Motorships Inc.
17 Battery Place
New York 4, N.Y./USA

for getting your car.

- 1 = Supplier
2 = Forwarding agent
3 = Consignee
4 = Notify
5 =

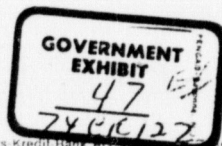
Encl.: 2/3 orig.-b/1
2 copy-b/1
1 Kfz.-Brier

We are glad to inform you that we have shipped
this consignment as mentioned above. The shipping
documents have been mailed as quoted in the
adjoining column. Hoping that the goods will arrive
in good order and condition, we remain

Yours faithfully,

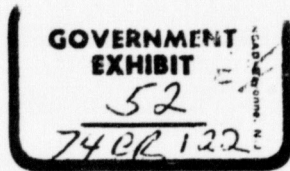
SCHENKER & CO GMBH
Zweigniederlassung Bremen

to:
1st mail
2nd mail



VE 3
9000 2/69

Our bank connections are: Deutsche Verkehrs Kredit Bank AG, Konto 6 163; Deutsche Bank AG, Bremen, Konto 283 571;
Bremer Bank, Bremen, Konto 6 519; Commerzbank AG, Bremen, Konto 13 200 — Postscheckkonto, Hamburg 463 44



1/7/44. I saw Sam and he explained out a few things. He was mad for the 1st Lt. name because I was in your name about the drugstore and he thinks that it was for me and he did not like it. I was not free but I did not want to interfere with him, so I should never say or mention to him that I was in the red.

2. 1961-1962. First check of 700 dollars sent to finish the
amount of the building and the ACF will pay for the whole
work. There will be about 1700 dollars altogether to pay.
The 1963-1964 have to be different. There this will advantage
to the ACF for while. Then it will be a prover.

water, and on the third floor. Four apartments are at the main floor and the other three are on the second floor and the water connection does not go up there. In my four personal apartments are rented and we suffer at the A.C. and water problem is not his fault and we have to wait until the water company and the city will manage this problem. This is a general problem there.

I expected your letter for the name of children
and the date of birth with age of time. There is a big
difference in the age. (There is a big difference in the
information. I have only up to the age of 10 years.)

ONLY COPY AVAILABLE

1/ I want to see you control I have now living your new life before.
 2/ I have 1000 dollars to be interest in your name for the
 apartment what you have promised him. 1000 of this money from your
 september 501 money. I must give to Daniel the rest of the money of this
 month for the income tax/1000 dollars = 2000 frs/ and I make sure that it
 will be paid before 15 September 68 of service there is 10% more to pay
 3/ You remember that the 501 paid for you because 1000 frs when you
 were here, and now Daniel will be having more 1000 frs I tell him to pay
 the rest.
 4/ The money that you have by now is 1000 frs, neither the
 1000 frs of the 501. /you must give 1000 dollars = 1000 frs
 and what you pay from Daniel 1000 frs 1000 dollars/
 5/ say I take back my 501 dollars in French money because I will have to



pay

my income tax too and this year I will be strictly 500 dollars a
 month from now on. I will need that too.

6/ I am very much disappointed with cousin, but the life is getting now
 more and more expensive that the other people will need money soon
 I feel that. Since you left we had raises. Taxes like you said
 will stay the same at the new rate.

7/ I cannot find that part you ask me for. They have just reopened
 the shops. You have to tell me the name of that part. They said that they
 are out of stock and they must have a new part.

8/ as soon as there is something I'll let you know.

S. Sept 68

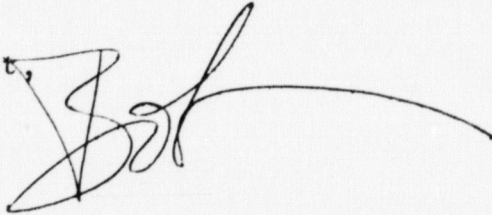
I was told for
 beginning of October,
 (cousin said)

A 4

Dear Sir,

2nd october 1968

- 1/ I have ordered the piece/part/ for car I'll receive it later on and will send you by air mail.
- 2/ I gave in Frankfurt 500 dollars to Muller but now I will have to go back soon because the insurance papers expires and must renew.
- 3/ I have talked to cousin last night, NO NEWS, very hard, etc... and he said he will write if there is news. He said he is looking after very hard etc.. You should write him a word.
- 4/ Indepot ~~xx~~ there is electricity and water and will have a phone for later on then it will be easier to rent.
- 5/ YOU should absolutely write to your accountant TO PAY charges in Boulogne. What he is doing is no good. You have about 45 dollars a month to pay included your appartement, office, maid room, parking and now the garages. I am bothered now all the time for that and the Boulogne people will go against people who do not pay charges. You receive anyway half of it, from your tenants and now your appartement cost you /like all 4 rooms/ about 25 a month. We receive about that much from out of town, at the SCI for a smaller place. He told me that you did not tell him to pay charges. That is not possible. Please write to him to pay. He is back almost for a year.
- 6/ It seems to me that cousin cannot do anything in these weeks. Write to him a nice word, ~~XXXXXXXXXX~~ I explained him how much expensese it gives all this waiting and bothering. He said he understands and he is not fooling us but it looks that is hard for him because there is r I do not know .
- 7/ Let me know about part,



A 5 16 Dec 68
Dear Sir,

I had to send the whole paper
to the persons who did the work.
Both of them are professors at the
University, so they made a good job
but I asked them exactly what you
asked me. I cannot leave, here good
books in English and with the
chemical formulas for each stuff
all mistakes will be avoided. That will
take a week before I get answer back
but I can't help it. Let me know
when you come. I hope you received
air tickets OK. If you stay more
than 21 days I will pay the difference.
No money needed, but if buying regular
ticket and go back before 21 days they
do not give back money.

Yr.

Tom.

If you carry money be careful
let Phyllis have it on her.

They make a big deal with money
don't have it once more.

No money in hand bag otherwise
you have to declare it etc ...

SOCIÉTÉ CIVILE IMMOBILIÈRE

A

7

20 th May 1970

INDIWOL

SOCIÉTÉ CIVILE PARTICULIÈRE AU CAPITAL DE 50.000 F.

69, RUE D'ARGOUT, PARIS II^e

TÉL.

CENTRAL 37-35
922.34.40

C. C. P. PARIS 10-181-71

Dear Sir,

Had your letter and I feel very bad. I know that if I am somebody today that is because of you. I never forgot that and I try to do all the time the best for you and take care of your interest.

I have already sent once 3500 frs and I am going to send the 5000 frs today to shop builder.

I do not try to confuse Manuel, why should I? I have no interest I always helped him and when he had difficulties I went after your rents to get it for him. I know one thing that your depot rents are not in and the only time it was paid when I went for it. The garage door is not even started and nothing is done. I never bother him and I do not understand this. I never get any money out of your private affaires. He is asking me an advice to get rents in from tenants I help him. I let him go to all books any time. I do not understand really.

About the balance of the sale of that appartement last year: When you took money to pay the depot at that time you were ahead of 3000 frs about. We can check on the books. I took then 3000 frs so we were even then. Will you take of the Ajaccio reparation which are running over 5000 frs and this money was paid and the work was done then count that we have gone there and we had expenses together about an other 2000 frs between plane hotel car and goings out in Paris and I have paid from SCI the car reparation 1750 frs what we shall have back one day. You tell me now what ~~is~~ is wrong here?

SOCIÉTÉ CIVILE IMMOBILIÈRE

INDIWOL

SOCIÉTÉ CIVILE PARTICULIÈRE AU CAPITAL DE 50.000 F

69, RUE D'ARGOUT, PARIS II^e

TÉL.

CENTRAL 37-35
922.34.40

C. C. P. PARIS 10-181-71

A 8

All what I am writing you can be checked at any time.

I know that you looked for me and I always feel thankfull and I am willing to continue to work for you withaout any salary or anything like that.

I have already worked for you in 1958 when I was not even got paid.

I recognise that after I had a good chance.

So you do not loose the depot I paid money to Winterer and I had just 2500 frs from SCI at that time and I am always paying back the bank and I do not claim anything just when you will have a lot of money I'll be happy to get it then.

At the SCI when we made the road and now the paintings the SCI has less interest than you have and I never asked anything.

I always rushh up to the last penny when you need something.

I did not say anything when you took away the reserve of the SCI what we need I'll explain why. To cut down all expenses I try to save money on everything except on reparations. After 5-6 years the appartements are dirty many times. ETC;;; I am having from SCI 65 dollars a month for the expenses , may I tell you that I am loosing money. I do not ask anything but your letter heurt me a lot.

Explination: Actually in France the mail is not going right, here are lates , people do not want to buy anything and things are hard. ut when we have to pay we must pay. They do not dare to kick out poor people even if they do not pay their rents regardless if they have a judgement against them. Each month it is a lot trouble to raise the money. ut I always get it. You always receive it.

SOCIÉTÉ CIVILE IMMOBILIÈRE

INDIWOL

SOCIÉTÉ CIVILE PARTICULIÈRE AU CAPITAL DE 50.000 F

69, RUE D'ARGOUT, PARIS 11^e

TÉL. { CENTRAL 37-35
922.34.40

C. C. P. PARIS 10-181-71

A 9

I do not write my letter to make extra money or so.
I just want to tell you that You and me we take 5000 fr actually
from SCI and not one penny more. We get the same amount.

On the other hand the 13500 frs I gave you explanation but check it.
We have spend it almost all this money. Therest is on account

I repeat that no other way then by check money can be taken out
For everything I have bills or so.

When I hear a question ~~that~~ from Manuel if he should pay
income tax /yours/ or not because he has to ask your permission, I told
him that notto pay cost a lot of money and trouble.
This is all the wrong I have done.

He thinks that I envy his ~~510x~~ 50 dollars a month. Well
he is wrong.

If you have always the impression that I confuse him,
inspite that I never bothered him, if you want I do not even near go him.
He'll be at the sale like said.

John, I feel very bad with your letter. I remeber that
you sent your small money to let me eat years ago, but it happened many
time that I did not take money the same time then you from SCI and had
hard time so you get yours in advance.



PS: We always have small money at the bank account. If there is a strike or
anything wrong we must be able to pay. Nobody is taking that money.
that is emergency. There are tenants who has 1 month late. That makes money
too.

RÉFÉRENCE BANCAIRE : CRÉDIT LYONNAIS AGENCE CENTRALE DE PARIS COMPTE N° 74-66-A

A 10

....

Dear Sir,

Sept 11th

1.) I realize just as well all this
late and if you think I do not want
to make money you mistake.

2.) Cousin told me that people will
have only in OCTOBER, and I'd
let you know the same day
What can I do more? I write to
him to day at once more.

3.) All shops were closed (garages)
in August the reopened 2nd September
that's the reason that I did not
write you about that.

I need name at least of port.

Dear Sir,

28th jan 1969

1/ I have received from Manuel 5000 frs what I gave to Winterer with the other 20000 frs what I supposed to give him for the depot. I am sending you here the receipts. I have 3 examples of them, so you do have one, Philiss has an other and I hold one in case. You should read the contract.

2/ I have sold a shop what you did not need for the usual price of 30000 frs plus 2100 frs safe deposit. The people have paid cash so I will pay the shop altogether/ you owe there 26445 frs so I will have more than enough. I had to give a little money to concierge because she had made visit several times 150 frs that all/. The people start to pay rent only the 1st April 1969 because they will open their shop only at that time. Naturally I kept the shop what we need, inside I have already customers for that too.

3/ I am leaving now to Germany at once more to pay off. You imagine the troubles I have with that guy. Road tax, insurance, he is worried like hell. I'll give him tomorrow money/2000doll/ what I supposed to give.

4/ From shop money,/ See & 2/ I have sent to Philiss 500 frs/100doll/ and I have just talked to her and she needs for the next month 600 dollars what I am going to send her in the next few days. She told me that she paid a lot of money for your car/ about 300 dollars/ reparation.

5/ I will get the information only now what you have asked me, because those people are from the university and they were on "winter vacation". I could not do anything. I 'll send you papers as soon as I have them.

6/ Naturally there is no news from our cousin.



Dear Sir,

A 12

15th March 1969

1/ I send you here a copy that I paid at once more 10000frs to Winterer for basement. I sent a copy to Phyliss.

2/ I sold depot and I received 30000frs plus 2100 frs safe deposit and people will start to pay rent from 1st April 1969 to Mr. Veia.

3/ Mr. Veia promised me to send me money what he have but I did not receive that yet. I sent him a cable because I gave out a check to Winterer.

4/ Last month you received 2000 dollars from Indiwol just like this month. Here are the counts:

32100 frs for shop
5000 frs from Veia
37100fr

Your account in Swiss

February 1969

2000 dollars

March "

2000 5

4000 dollars

Expenses:

1/ 20000 frs for the automatic car. 3 international insurances, 3 road taxes, 2 commissions for our friend there. I think that I have spent a little over this money but nothing important. You have 2 automatic cars there in a parking lot.

2/ I have sent in february 500 frs to Phyllis.

3/ I have paid 5000 frs to income tax for you. You'll pay this year less than last year.

4/ I gave 200 frs to concierge and 50 frs to an other one to make visit the shop which were sold.

5/ I gave 10000 fr to Winterer for basement. Here is the receipt.

Expenses total: 20000 fr Car
500 fr Phyllis
5000 income tax
250 concierge
10000 basement Boulogne.
35750 frs

Your credit in Frs

37100

- 35750

1350 fr in your favor. in fr

See next page

Dear Sir,

A 13

1/ I received 5000 frs from mr Veia and I have sent this money to Swiss and I took that money to handle things.

2/ This dirty pig ^{MULLER} made me waited there 2 days and a half and then he said it is not possible to register on brother's name because he is not 21 yet. So 1 car was sent to Avery ave and the second to caton street.

Avery one is on brother hame and caton street is on name of Gordon. You will receive papers at the same time at each adress so you do not need to go specially to avery only when you have bill of lading at caton street. *By begging August (2-4)*
To ship it was 350 dollars each that includes railroad transport from Francfurt to Bremen and 25 dollars on each to this son of a bitch.

I had a company taking car from here/ a driver/ to Germany because I cannot drive foreign registrated car in my own country /same law at your place/ I took plane that is an other 100' much more with expenses in 2 and ½ days but the hell and I hold back a 100 dollars so we are even what I gave you there. It is not because I was in a hurry with you but I went broke in Germany by killing the time. This kind of bussiness is no good.

I have sent the passport back so I do not need it now.
Let me know if there is something new I'll do the same on my side.

I want to thank you the way I was received and my daughter and me we had a good time.

Bob

15th july 1969

200

Cars

100

transport from Paris to Frankfurt.

100

fly plane

100

you know

1000

✓

GOVERNMENT
EXHIBIT
49
7408122

Dear Sir, A 14 18 June 1969

1/ I have sent a car what must be in New York now, by the Wallenius line and all papers are at the SCHENKER Cy at the 33rd street New York 18th floor telephone: 9645400. The car was shipped to Mr Gordon and your adresse. This was done by the fellow in Germany. What a mess. I'll go there at once more and will send the next car with the papers. This man got scared very much/

The cars were in the parking lot for over 2 months and the police took cars away and had to run after them, and "r. Muller got them back. I had to pay 3 months parking for 2 cars, 3 insurance, 3 road tax, and the shipping of this car. I had no more money to send the other car. I'll do it next week, next car.

2/ You got the June money but here are the counts for your May money: I got from M. Veia 3500 frs ~~and~~ /700 dollars/ and the Company gave you 1600 dollars. Expenses: I gave 800 dollars /4000fr/ to Winterer for depot/Phyllis got receipt. I sent to Phillis 500 dollars and I have paid 1000 dollars /5000frs/ income tax for you.

Credit	
3500	frs Veia
8000	SCI Indiwol
<hr/>	
11500	frs

Debit
4000frs Winterer
5000 frs Income tax
<hr/>
2500 Phillis
11500 frs

Here were went your May money.

3/ Now that you do not loose your depot what you are buying I gave from my own/NOT FROM SCI/ once 3500 frs /700 dollars/ than I gave 5000 frs/1000 dollars/ to "interer for depot. Phillis got receipts I have paid 3 insurance, 3 road tax, the parking and the car sending 3220 DM/which is 805 dollars/ plus a plane ticket 75 dollars. That means that you owe me to day 2580 US dollars. I tell you that I did not have this money myself but I borrowed from a bank /private loan/ 3000 dollars. I have to borrow 1000 more because Winterer wants his money and I have to give him an other 1000 dollars next week plus I'll go to Germany to send one car out. I am sending you here receipt from Muller of Germany so you see what I am doing. Keep it please.

4/I could not sell the shop/I mean rent it yet/ I'll let you know if there is anything new.

5/ At the company we had trouble at Domont with tye heatong and cost a lot money I could not get any money out myself this month. I am stocknow. But there is no main trouble, we are paying all the time all bills and bought the 4 garages

Naturally we have now many times reparations to do at the buildings but everything is done OK and all the time the same day if possible. We are paying now mortgages not only interest at all places. We have chnaged office because the other people left that place and we had to change too.

New adresse:

21 Rue de Javel

PARIS 15e

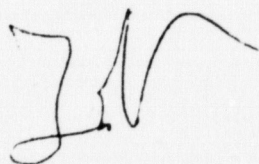
My name or Company:

-6/

This cousin messed up both of us. Not only with bussiness but in building line too. Hear this. In one year the SCI for 6 appartements is paying 85 dollars charges. That means that he is spending ONE dollar by month for an appartement to keep th place klean. You imagine. The water problem is not solved yet, but the City is working on that. I'll be able to do something if we get some money somehow;

7/ Possible that I'll come to see you a few days. i do not know how yet but we have to talk over a few things what we are going to do in the future.

incereelly yours

A handwritten signature in dark ink, appearing to be 'JL' or similar, with a long horizontal stroke extending to the right.

